

**THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00016-MR-DLH**

KRISTIN PARKER,

Plaintiff,)

VS.

ORDER OF REMAND

TRANSYLVANIA COUNTY,
TRANSYLVANIA COUNTY ANIMAL
CONTROL, PAUL VIS, DAVID
BLACKWELL, ERIC OWEN,
CHARLES BYRD, and JOHN/JANE
DOE,

Defendants.)

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 2], the Plaintiff's Amended Complaint [Doc. 3], and the Plaintiff's Motion to Remand [Doc. 4].

The Defendants removed this action on January 29, 2015 on the basis of federal question jurisdiction. [Doc. 1]. On February 2, 2015, the Defendants moved to dismiss the Plaintiff's action pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. [Doc. 2]. On February 13, 2015, the Plaintiff filed an Amended Complaint, eliminating the sole claim which

formed the basis for federal question jurisdiction.¹ [Doc. 3]. The Plaintiff now moves to remand this action. [Doc. 4]. The Defendants do not oppose the Plaintiffs' request for remand. [Id.].

In light of the Plaintiff's filings, the Court hereby enters the following Order.

ORDER

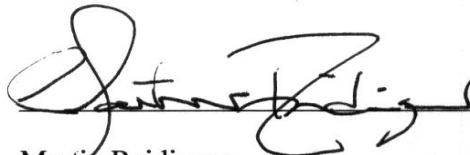
IT IS, THEREFORE, ORDERED that the Defendants' Motion to Dismiss [Doc. 2] is **DENIED AS MOOT**.


IT IS FURTHER ORDERED that the Plaintiff's Motion to Remand [Doc. 4] is **GRANTED**, and this action is hereby **REMANDED** to the Transylvania County General Court of Justice, Superior Court Division.

The Clerk of Court is respectfully directed to provide a certified copy of this Order to the Transylvania County Superior Court Clerk.

IT IS SO ORDERED.

Signed: February 16, 2015


Martin Reidinger
United States District Judge



¹ The Plaintiff filed her Amended Complaint pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, which allows a plaintiff to file an amended complaint once as of right within twenty-one days of service of a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b).